

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Sandra Rouse,	)	
	)	C/A No. 0:18-2466-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Andrew Saul, Commissioner of Social	)	
Security Administration,	)	
	)	
Defendant.	)	
_____	)	

On September 6, 2018, Plaintiff Sandra Rouse brought this action to obtain judicial review of a final decision of Defendant Commissioner of Social Security denying Plaintiff's application for disability and disability insurance benefits. See 42 U.S.C. § 405(g). On October 28, 2019, the court reversed the decision of the Commissioner pursuant to sentence four of § 405(g) and remanded for further administrative proceedings. By order filed February 11, 2020, the court awarded \$4,525.00 in attorney's fees and \$16.00 in expenses to Plaintiff's counsel pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

This matter is before the court on Plaintiff's motion for attorney's fees filed February 1, 2021. Plaintiff moves for an order awarding an attorney's fee of \$25,782.25 under the Social Security Act, 42 U.S.C. § 406(b).<sup>1</sup> On February 27, 2020, the Commissioner filed a response informing the court that he has no objection to Plaintiff's motion for fees. The Commissioner notes, however, that the fees previously awarded under § 2412 should be remitted to Plaintiff by counsel. See Gisbrecht v.

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<sup>2</sup> Counsel is entitled to a fee constituting 25% of the past due benefits awarded to Plaintiff, in accordance with the fee agreement between Plaintiff and counsel and as permitted by 42 U.S.C. § 406(b). Plaintiff received past benefits in the amount of \$127,129.00 in back Title II benefits, of which \$31,782.25 was withheld to pay attorney fees. Counsel seeks a lesser amount, stating that he has received \$6,000.00 in administrative fees already.

Barnhart, 535 U.S. 789, 796 (2002). Counsel represents that, once the fees requested herein are approved, he will refund to Plaintiff the \$4,525.00 attorney's fee previously awarded.

Accordingly, Plaintiff's motion for fees under 42 U.S.C. § 406(b) is **granted** in the amount of \$25,782.25. Counsel for Plaintiff is directed to promptly refund to Plaintiff the previously awarded attorney's fee of \$4,525.00.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
Senior United States District Judge

Columbia, South Carolina

February 18, 2021